

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY APRIL 29, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 539**

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**Introduced by Assembly Member Pan**

February 20, 2013

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An act to amend Sections 11106, 29810, 29825, 29850, and 33870 of, and to add Section 29830 to, the Penal Code, relating to firearms.

### LEGISLATIVE COUNSEL'S DIGEST

AB 539, as amended, Pan. Firearm possession: prohibitions: transfer to licensed dealer.

Existing law prohibits specified persons, including persons convicted of specified crimes, persons addicted to the use of any narcotic drug, certain probationers, and persons against whom specified restraining orders or injunctions apply, from possessing a firearm. Under existing law a violation of these provisions is justified if the person possessed the firearm no longer than was necessary to deliver or transport the firearm to a law enforcement agency for that agency's disposition according to law, if certain requirements are met. Existing law allows a firearm that is in the custody of a law enforcement agency to be sold or transferred to a licensed dealer if the law enforcement agency determines that the legal owner of the firearm is prohibited from possessing the firearm. Existing law requires that a person prohibited from possessing a firearm pursuant to certain provisions of law to be notified and provided with a form to facilitate the transfer of firearms. Existing law requires the Judicial Council to provide notice on all protective orders that the respondent is prohibited from possessing a

firearm while the protective order is in effect and that the firearm shall be relinquished to a local law enforcement agency or a licensed firearms dealer.

This bill would allow anyone who is prohibited from owning or possessing a firearm pursuant to the above provisions or any other provision of law to transfer any firearm or firearms in his or her possession, or of which he or she is the owner, to a licensed firearms dealer for the duration of the prohibition if the prohibition on owning or possessing the firearm will expire on a date specified in the court order. The bill would require a firearms dealer who stores a firearm under these circumstances to notify the Department of Justice of the date that the dealer has taken possession of the firearm and the date that the owner has taken back possession of the firearm, and would also require the Attorney General to maintain a record of this information. The bill would make conforming changes to the above provisions. Because the bill would impose certain requirements on local agencies relating to the transfer of firearms to a licensed firearms dealer, the bill would impose a state-mandated local program.

*This bill would incorporate additional changes to Section 11106 of the Penal Code, proposed by AB 500 and SB 53, that would become operative only if this bill and either or both of those bills are chaptered and become effective January 1, 2014, and this bill is chaptered last.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11106 of the Penal Code, as added by
- 2 ~~Chapter 745 of the Statutes~~ Chapter 745 of the Statutes
- 3 of 2011, is amended to read:
- 4 11106. (a) In order to assist in the investigation of crime, the
- 5 prosecution of civil actions by city attorneys pursuant to paragraph
- 6 (3) of subdivision (e) (b), the arrest and prosecution of criminals,

1 and the recovery of lost, stolen, or found property, the Attorney  
2 General shall keep and properly file a complete record of all copies  
3 of fingerprints, copies of licenses to carry firearms issued pursuant  
4 to Section 26150, 26155, 26170, or 26215, information reported  
5 to the Department of Justice pursuant to Section 26225 or 29830,  
6 dealers' records of sales of firearms, reports provided pursuant to  
7 Article 1 (commencing with Section 27500) of Chapter 4 of  
8 Division 6 of Title 4 of Part 6, or pursuant to any provision listed  
9 in subdivision (a) of Section 16585, forms provided pursuant to  
10 Section 12084, as that section read prior to being repealed, reports  
11 provided pursuant to Article 1 (commencing with Section 26700)  
12 and Article 2 (commencing with Section 26800) of Chapter 2 of  
13 Division 6 of Title 4 of Part 6, that are not dealers' records of sales  
14 of firearms, and reports of stolen, lost, found, pledged, or pawned  
15 property in any city or county of this state, and shall, upon proper  
16 application therefor, furnish this information to the officers referred  
17 to in Section 11105.

18 (b) (1) The Attorney General shall permanently keep and  
19 properly file and maintain all information reported to the  
20 Department of Justice pursuant to the following provisions as to  
21 firearms and maintain a registry thereof:

22 (A) Article 1 (commencing with Section 26700) and Article 2  
23 (commencing with Section 26800) of Chapter 2 of Division 6 of  
24 Title 4 of Part 6.

25 (B) Article 1 (commencing with Section 27500) of Chapter 4  
26 of Division 6 of Title 4 of Part 6.

27 (C) Chapter 5 (commencing with Section 28050) of Division 6  
28 of Title 4 of Part 6.

29 (D) Any provision listed in subdivision (a) of Section 16585.

30 (E) Former Section 12084.

31 (F) Any other law.

32 (2) The registry shall consist of all of the following:

33 (A) The name, address, identification of, place of birth (state  
34 or country), complete telephone number, occupation, sex,  
35 description, and all legal names and aliases ever used by the owner  
36 or person being loaned the particular firearm as listed on the  
37 information provided to the department on the Dealers' Record of  
38 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
39 in former Section 12084, or reports made to the department

1 pursuant to any provision listed in subdivision (a) of Section 16585  
2 or any other law.

3 (B) The name and address of, and other information about, any  
4 person (whether a dealer or a private party) from whom the owner  
5 acquired or the person being loaned the particular firearm and  
6 when the firearm was acquired or loaned as listed on the  
7 information provided to the department on the Dealers' Record of  
8 Sale, the LEFT, or reports made to the department pursuant to any  
9 provision listed in subdivision (a) of Section 16585 or any other  
10 law.

11 (C) Any waiting period exemption applicable to the transaction  
12 which resulted in the owner of or the person being loaned the  
13 particular firearm acquiring or being loaned that firearm.

14 (D) The manufacturer's name if stamped on the firearm, model  
15 name or number if stamped on the firearm, and, if applicable, the  
16 serial number, other number (if more than one serial number is  
17 stamped on the firearm), caliber, type of firearm, if the firearm is  
18 new or used, barrel length, and color of the firearm, or, if the  
19 firearm is not a handgun and does not have a serial number or any  
20 identification number or mark assigned to it, that shall be noted.

21 (3) Information in the registry referred to in this subdivision  
22 shall, upon proper application therefor, be furnished to the officers  
23 referred to in Section 11105, to a city attorney prosecuting a civil  
24 action, solely for use in prosecuting that civil action and not for  
25 any other purpose, or to the person listed in the registry as the  
26 owner or person who is listed as being loaned the particular firearm.

27 (4) If any person is listed in the registry as the owner of a firearm  
28 through a Dealers' Record of Sale prior to 1979, and the person  
29 listed in the registry requests by letter that the Attorney General  
30 store and keep the record electronically, as well as in the record's  
31 existing photographic, photostatic, or nonerasable optically stored  
32 form, the Attorney General shall do so within three working days  
33 of receipt of the request. The Attorney General shall, in writing,  
34 and as soon as practicable, notify the person requesting electronic  
35 storage of the record that the request has been honored as required  
36 by this paragraph.

37 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,  
38 of subdivision (b) of Section 11105 may disseminate the name of  
39 the subject of the record, the number of the firearms listed in the  
40 record, and the description of any firearm, including the make,

1 model, and caliber, from the record relating to any firearm's sale,  
2 transfer, registration, or license record, or any information reported  
3 to the Department of Justice pursuant to Section 26225, Article 1  
4 (commencing with Section 26700) and Article 2 (commencing  
5 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part  
6 6, Article 1 (commencing with Section 27500) of Chapter 4 of  
7 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with  
8 Section 28050) of Division 6 of Title 4 of Part 6, Article 2  
9 (commencing with Section 28150) of Chapter 6 of Division 6 of  
10 Title 4 of Part 6, Article 5 (commencing with Section 30900) of  
11 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2  
12 (commencing with Section 33850) of Division 11 of Title 4 of Part  
13 6, or any provision listed in subdivision (a) of Section 16585, if  
14 the following conditions are met:

15 (A) The subject of the record has been arraigned for a crime in  
16 which the victim is a person described in subdivisions (a) to (f),  
17 inclusive, of Section 6211 of the Family Code and is being  
18 prosecuted or is serving a sentence for the crime, or the subject of  
19 the record is the subject of an emergency protective order, a  
20 temporary restraining order, or an order after hearing, which is in  
21 effect and has been issued by a family court under the Domestic  
22 Violence Protection Act set forth in Division 10 (commencing  
23 with Section 6200) of the Family Code.

24 (B) The information is disseminated only to the victim of the  
25 crime or to the person who has obtained the emergency protective  
26 order, the temporary restraining order, or the order after hearing  
27 issued by the family court.

28 (C) Whenever a law enforcement officer disseminates the  
29 information authorized by this subdivision, that officer or another  
30 officer assigned to the case shall immediately provide the victim  
31 of the crime with a "Victims of Domestic Violence" card, as  
32 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
33 of Section 13701.

34 (2) The victim or person to whom information is disseminated  
35 pursuant to this subdivision may disclose it as he or she deems  
36 necessary to protect himself or herself or another person from  
37 bodily harm by the person who is the subject of the record.

38 *SEC. 1.3. Section 11106 of the Penal Code, as added by Section*  
39 *2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

11106. (a) In order to assist in the investigation of crime, the prosecution of civil actions by city attorneys pursuant to paragraph (3) of subdivision ~~(e)~~ (b), the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all copies of fingerprints, copies of licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215, information reported to the Department of Justice pursuant to Section 26225 *or* 29830, dealers' records of sales of firearms, reports provided pursuant to Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or pursuant to any provision listed in subdivision (a) of Section 16585, forms provided pursuant to Section 12084, as that section read prior to being repealed, reports provided pursuant to Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers' records of sales of firearms, *information provided pursuant to Section 28255*, and reports of stolen, lost, found, pledged, or pawned property in any city or county of this state, and shall, upon proper application therefor, furnish this information to the officers referred to in Section 11105.

(b) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to the following provisions as to firearms and maintain a registry thereof:

(A) Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6.

(B) Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.

(C) Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6.

(D) Any provision listed in subdivision (a) of Section 16585.

(E) Former Section 12084.

(F) *Section 28255*.

~~(F)~~

(G) Any other law.

(2) The registry shall consist of all of the following:

(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex,

1 description, and all legal names and aliases ever used by the owner  
2 or person being loaned the particular firearm as listed on the  
3 information provided to the department on the Dealers' Record of  
4 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
5 in former Section 12084, or reports made to the department  
6 pursuant to any provision listed in subdivision (a) of Section 16585,  
7 *Section 28255*, or any other law.

8 (B) The name and address of, and other information about, any  
9 person (whether a dealer or a private party) from whom the owner  
10 acquired or the person being loaned the particular firearm and  
11 when the firearm was acquired or loaned as listed on the  
12 information provided to the department on the Dealers' Record of  
13 Sale, the LEFT, or reports made to the department pursuant to any  
14 provision listed in subdivision (a) of Section 16585 or any other  
15 law.

16 (C) Any waiting period exemption applicable to the transaction  
17 which resulted in the owner of or the person being loaned the  
18 particular firearm acquiring or being loaned that firearm.

19 (D) The manufacturer's name if stamped on the firearm, model  
20 name or number if stamped on the firearm, and, if applicable, the  
21 serial number, other number (if more than one serial number is  
22 stamped on the firearm), caliber, type of firearm, if the firearm is  
23 new or used, barrel length, and color of the firearm, or, if the  
24 firearm is not a handgun and does not have a serial number or any  
25 identification number or mark assigned to it, that shall be noted.

26 (3) Information in the registry referred to in this subdivision  
27 shall, upon proper application therefor, be furnished to the officers  
28 referred to in Section 11105, to a city attorney prosecuting a civil  
29 action, solely for use in prosecuting that civil action and not for  
30 any other purpose, or to the person listed in the registry as the  
31 owner or person who is listed as being loaned the particular firearm.

32 (4) If any person is listed in the registry as the owner of a firearm  
33 through a Dealers' Record of Sale prior to 1979, and the person  
34 listed in the registry requests by letter that the Attorney General  
35 store and keep the record electronically, as well as in the record's  
36 existing photographic, photostatic, or nonerasable optically stored  
37 form, the Attorney General shall do so within three working days  
38 of receipt of the request. The Attorney General shall, in writing,  
39 and as soon as practicable, notify the person requesting electronic

1 storage of the record that the request has been honored as required  
2 by this paragraph.

3 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,  
4 of subdivision (b) of Section 11105 may disseminate the name of  
5 the subject of the record, the number of the firearms listed in the  
6 record, and the description of any firearm, including the make,  
7 model, and caliber, from the record relating to any firearm's sale,  
8 transfer, registration, or license record, or any information reported  
9 to the Department of Justice pursuant to Section 26225, Article 1  
10 (commencing with Section 26700) and Article 2 (commencing  
11 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part  
12 6, Article 1 (commencing with Section 27500) of Chapter 4 of  
13 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with  
14 Section 28050) of Division 6 of Title 4 of Part 6, Article 2  
15 (commencing with Section 28150) of Chapter 6 of Division 6 of  
16 Title 4 of Part 6, Article 5 (commencing with Section 30900) of  
17 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2  
18 (commencing with Section 33850) of Division 11 of Title 4 of Part  
19 6, or any provision listed in subdivision (a) of Section 16585, if  
20 the following conditions are met:

21 (A) The subject of the record has been arraigned for a crime in  
22 which the victim is a person described in subdivisions (a) to (f),  
23 inclusive, of Section 6211 of the Family Code and is being  
24 prosecuted or is serving a sentence for the crime, or the subject of  
25 the record is the subject of an emergency protective order, a  
26 temporary restraining order, or an order after hearing, which is in  
27 effect and has been issued by a family court under the Domestic  
28 Violence Protection Act set forth in Division 10 (commencing  
29 with Section 6200) of the Family Code.

30 (B) The information is disseminated only to the victim of the  
31 crime or to the person who has obtained the emergency protective  
32 order, the temporary restraining order, or the order after hearing  
33 issued by the family court.

34 (C) Whenever a law enforcement officer disseminates the  
35 information authorized by this subdivision, that officer or another  
36 officer assigned to the case shall immediately provide the victim  
37 of the crime with a "Victims of Domestic Violence" card, as  
38 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
39 of Section 13701.



(2) The victim or person to whom information is disseminated pursuant to this subdivision may disclose it as he or she deems necessary to protect himself or herself or another person from bodily harm by the person who is the subject of the record.

~~(d) This section shall become operative January 1, 2014.~~

*SEC. 1.5. Section 11106 of the Penal Code, as added by Section 2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

11106. (a) In order to assist in the investigation of crime, the prosecution of civil actions by city attorneys pursuant to paragraph (3) of subdivision (e) (b), the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all copies of fingerprints, copies of licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215, information reported to the Department of Justice pursuant to Section 26225 or 29830, copies of ammunition purchaser authorizations pursuant to Section 30370, ammunition vendor license information pursuant to Article 5 (commencing with Section 30380) of Chapter 1 of Division 10 of Title 4 of Part 6, information required by Section 30352, dealers' records of sales of firearms, reports provided pursuant to Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or pursuant to any provision listed in subdivision (a) of Section 16585, forms provided pursuant to Section 12084, as that section read prior to being repealed, reports provided pursuant to Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers' records of sales of firearms, and reports of stolen, lost, found, pledged, or pawned property in any city or county of this state, and shall, upon proper application therefor, furnish this information to the officers referred to in Section 11105.

(b) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to the following provisions as to firearms and maintain a registry thereof:

(A) Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6.

(B) Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.

1 (C) Chapter 5 (commencing with Section 28050) of Division 6  
2 of Title 4 of Part 6.

3 (D) Any provision listed in subdivision (a) of Section 16585.

4 (E) Former Section 12084.

5 (F) Any other law.

6 (2) The registry shall consist of all of the following:

7 (A) The name, address, identification of, place of birth (state  
8 or country), complete telephone number, occupation, sex,  
9 description, and all legal names and aliases ever used by the owner  
10 or person being loaned the particular firearm as listed on the  
11 information provided to the department on the Dealers' Record of  
12 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
13 in former Section 12084, or reports made to the department  
14 pursuant to any provision listed in subdivision (a) of Section 16585  
15 or any other law.

16 (B) The name and address of, and other information about, any  
17 person (whether a dealer or a private party) from whom the owner  
18 acquired or the person being loaned the particular firearm and  
19 when the firearm was acquired or loaned as listed on the  
20 information provided to the department on the Dealers' Record of  
21 Sale, the LEFT, or reports made to the department pursuant to any  
22 provision listed in subdivision (a) of Section 16585 or any other  
23 law.

24 (C) Any waiting period exemption applicable to the transaction  
25 which resulted in the owner of or the person being loaned the  
26 particular firearm acquiring or being loaned that firearm.

27 (D) The manufacturer's name if stamped on the firearm, model  
28 name or number if stamped on the firearm, and, if applicable, the  
29 serial number, other number (if more than one serial number is  
30 stamped on the firearm), caliber, type of firearm, if the firearm is  
31 new or used, barrel length, and color of the firearm, or, if the  
32 firearm is not a handgun and does not have a serial number or any  
33 identification number or mark assigned to it, that shall be noted.

34 (3) Information in the registry referred to in this subdivision  
35 shall, upon proper application therefor, be furnished to the officers  
36 referred to in Section 11105, to a city attorney prosecuting a civil  
37 action, solely for use in prosecuting that civil action and not for  
38 any other purpose, or to the person listed in the registry as the  
39 owner or person who is listed as being loaned the particular firearm.

(4) If any person is listed in the registry as the owner of a firearm through a Dealers' Record of Sale prior to 1979, and the person listed in the registry requests by letter that the Attorney General store and keep the record electronically, as well as in the record's existing photographic, photostatic, or nonerasable optically stored form, the Attorney General shall do so within three working days of receipt of the request. The Attorney General shall, in writing, and as soon as practicable, notify the person requesting electronic storage of the record that the request has been honored as required by this paragraph.

(c) (1) Any officer referred to in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 11105 may disseminate the name of the subject of the record, the number of the firearms listed in the record, and the description of any firearm, including the make, model, and caliber, from the record relating to any firearm's sale, transfer, registration, or license record, or any information reported to the Department of Justice pursuant to Section 26225, Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6, Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, Article 2 (commencing with Section 28150) of Chapter 6 of Division 6 of Title 4 of Part 6, Article 5 (commencing with Section 30900) of Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6, or any provision listed in subdivision (a) of Section 16585, if the following conditions are met:

(A) The subject of the record has been arraigned for a crime in which the victim is a person described in subdivisions (a) to (f), inclusive, of Section 6211 of the Family Code and is being prosecuted or is serving a sentence for the crime, or the subject of the record is the subject of an emergency protective order, a temporary restraining order, or an order after hearing, which is in effect and has been issued by a family court under the Domestic Violence Protection Act set forth in Division 10 (commencing with Section 6200) of the Family Code.

(B) The information is disseminated only to the victim of the crime or to the person who has obtained the emergency protective

1 order, the temporary restraining order, or the order after hearing  
2 issued by the family court.

3 (C) Whenever a law enforcement officer disseminates the  
4 information authorized by this subdivision, that officer or another  
5 officer assigned to the case shall immediately provide the victim  
6 of the crime with a “Victims of Domestic Violence” card, as  
7 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
8 of Section 13701.

9 (2) The victim or person to whom information is disseminated  
10 pursuant to this subdivision may disclose it as he or she deems  
11 necessary to protect himself or herself or another person from  
12 bodily harm by the person who is the subject of the record.

13 ~~(d) This section shall become operative January 1, 2014.~~

14 *SEC. 1.7. Section 11106 of the Penal Code, as added by Section*  
15 *2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

16 11106. (a) In order to assist in the investigation of crime, the  
17 prosecution of civil actions by city attorneys pursuant to paragraph  
18 (3) of subdivision ~~(e)~~ (b), the arrest and prosecution of criminals,  
19 and the recovery of lost, stolen, or found property, the Attorney  
20 General shall keep and properly file a complete record of all copies  
21 of fingerprints, copies of licenses to carry firearms issued pursuant  
22 to Section 26150, 26155, 26170, or 26215, information reported  
23 to the Department of Justice pursuant to Section 26225 or 29830,  
24 *copies of ammunition purchaser authorizations pursuant to Section*  
25 *30370, ammunition vendor license information pursuant to Article*  
26 *5 (commencing with Section 30380) of Chapter 1 of Division 10*  
27 *of Title 4 of Part 6, information required by Section 30352, dealers’*  
28 *records of sales of firearms, reports provided pursuant to Article*  
29 *1 (commencing with Section 27500) of Chapter 4 of Division 6*  
30 *of Title 4 of Part 6, or pursuant to any provision listed in*  
31 *subdivision (a) of Section 16585, forms provided pursuant to*  
32 *Section 12084, as that section read prior to being repealed, reports*  
33 *provided pursuant to Article 1 (commencing with Section 26700)*  
34 *and Article 2 (commencing with Section 26800) of Chapter 2 of*  
35 *Division 6 of Title 4 of Part 6, that are not dealers’ records of sales*  
36 *of firearms, information provided pursuant to Section 28255, and*  
37 *reports of stolen, lost, found, pledged, or pawned property in any*  
38 *city or county of this state, and shall, upon proper application*  
39 *therefor, furnish this information to the officers referred to in*  
40 *Section 11105.*

(b) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to the following provisions as to firearms and maintain a registry thereof:

(A) Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6.

(B) Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.

(C) Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6.

(D) Any provision listed in subdivision (a) of Section 16585.

(E) Former Section 12084.

(F) *Section 28255.*

~~(F)~~

(G) Any other law.

(2) The registry shall consist of all of the following:

(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex, description, and all legal names and aliases ever used by the owner or person being loaned the particular firearm as listed on the information provided to the department on the Dealers' Record of Sale, the Law Enforcement Firearms Transfer (LEFT), as defined in former Section 12084, or reports made to the department pursuant to any provision listed in subdivision (a) of Section 16585, *Section 28255*, or any other law.

(B) The name and address of, and other information about, any person (whether a dealer or a private party) from whom the owner acquired or the person being loaned the particular firearm and when the firearm was acquired or loaned as listed on the information provided to the department on the Dealers' Record of Sale, the LEFT, or reports made to the department pursuant to any provision listed in subdivision (a) of Section 16585 or any other law.

(C) Any waiting period exemption applicable to the transaction which resulted in the owner of or the person being loaned the particular firearm acquiring or being loaned that firearm.

(D) The manufacturer's name if stamped on the firearm, model name or number if stamped on the firearm, and, if applicable, the serial number, other number (if more than one serial number is

1 stamped on the firearm), caliber, type of firearm, if the firearm is  
2 new or used, barrel length, and color of the firearm, or, if the  
3 firearm is not a handgun and does not have a serial number or any  
4 identification number or mark assigned to it, that shall be noted.

5 (3) Information in the registry referred to in this subdivision  
6 shall, upon proper application therefor, be furnished to the officers  
7 referred to in Section 11105, to a city attorney prosecuting a civil  
8 action, solely for use in prosecuting that civil action and not for  
9 any other purpose, or to the person listed in the registry as the  
10 owner or person who is listed as being loaned the particular firearm.

11 (4) If any person is listed in the registry as the owner of a firearm  
12 through a Dealers' Record of Sale prior to 1979, and the person  
13 listed in the registry requests by letter that the Attorney General  
14 store and keep the record electronically, as well as in the record's  
15 existing photographic, photostatic, or nonerasable optically stored  
16 form, the Attorney General shall do so within three working days  
17 of receipt of the request. The Attorney General shall, in writing,  
18 and as soon as practicable, notify the person requesting electronic  
19 storage of the record that the request has been honored as required  
20 by this paragraph.

21 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,  
22 of subdivision (b) of Section 11105 may disseminate the name of  
23 the subject of the record, the number of the firearms listed in the  
24 record, and the description of any firearm, including the make,  
25 model, and caliber, from the record relating to any firearm's sale,  
26 transfer, registration, or license record, or any information reported  
27 to the Department of Justice pursuant to Section 26225, Article 1  
28 (commencing with Section 26700) and Article 2 (commencing  
29 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part  
30 6, Article 1 (commencing with Section 27500) of Chapter 4 of  
31 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with  
32 Section 28050) of Division 6 of Title 4 of Part 6, Article 2  
33 (commencing with Section 28150) of Chapter 6 of Division 6 of  
34 Title 4 of Part 6, Article 5 (commencing with Section 30900) of  
35 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2  
36 (commencing with Section 33850) of Division 11 of Title 4 of Part  
37 6, or any provision listed in subdivision (a) of Section 16585, if  
38 the following conditions are met:

39 (A) The subject of the record has been arraigned for a crime in  
40 which the victim is a person described in subdivisions (a) to (f),

1 inclusive, of Section 6211 of the Family Code and is being  
2 prosecuted or is serving a sentence for the crime, or the subject of  
3 the record is the subject of an emergency protective order, a  
4 temporary restraining order, or an order after hearing, which is in  
5 effect and has been issued by a family court under the Domestic  
6 Violence Protection Act set forth in Division 10 (commencing  
7 with Section 6200) of the Family Code.

8 (B) The information is disseminated only to the victim of the  
9 crime or to the person who has obtained the emergency protective  
10 order, the temporary restraining order, or the order after hearing  
11 issued by the family court.

12 (C) Whenever a law enforcement officer disseminates the  
13 information authorized by this subdivision, that officer or another  
14 officer assigned to the case shall immediately provide the victim  
15 of the crime with a “Victims of Domestic Violence” card, as  
16 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
17 of Section 13701.

18 (2) The victim or person to whom information is disseminated  
19 pursuant to this subdivision may disclose it as he or she deems  
20 necessary to protect himself or herself or another person from  
21 bodily harm by the person who is the subject of the record.

22 ~~(d) This section shall become operative January 1, 2014.~~

23 SEC. 2. Section 29810 of the Penal Code is amended to read:

24 29810. (a) For any person who is subject to Section 29800 or  
25 29805, the court shall, at the time judgment is imposed, provide  
26 on a form supplied by the Department of Justice, a notice to the  
27 defendant prohibited by this chapter from owning, purchasing,  
28 receiving, possessing, or having under custody or control, any  
29 firearm. The notice shall inform the defendant of the prohibition  
30 regarding firearms and include a form to facilitate the transfer of  
31 firearms. If the prohibition on owning or possessing a firearm will  
32 expire on a date specified in the court order, the form shall inform  
33 the defendant that he or she may elect to have his or her firearm  
34 transferred to a firearms dealer licensed pursuant to Section 29830.

35 (b) Failure to provide the notice described in subdivision (a) is  
36 not a defense to a violation of this chapter.

37 SEC. 3. Section 29825 of the Penal Code is amended to read:

38 29825. (a) Every person who purchases or receives, or attempts  
39 to purchase or receive, a firearm knowing that the person is  
40 prohibited from doing so by a temporary restraining order or

1 injunction issued pursuant to Section 527.6, 527.8, or 527.85 of  
2 the Code of Civil Procedure, a protective order as defined in  
3 Section 6218 of the Family Code, a protective order issued pursuant  
4 to Section 136.2 or 646.91 of this code, or a protective order issued  
5 pursuant to Section 15657.03 of the Welfare and Institutions Code,  
6 is guilty of a public offense, which shall be punishable by  
7 imprisonment in a county jail not exceeding one year or in the  
8 state prison, by a fine not exceeding one thousand dollars (\$1,000),  
9 or by both that imprisonment and fine.

10 (b) Every person who owns or possesses a firearm knowing that  
11 the person is prohibited from doing so by a temporary restraining  
12 order or injunction issued pursuant to Section 527.6, 527.8, or  
13 527.85 of the Code of Civil Procedure, a protective order as defined  
14 in Section 6218 of the Family Code, a protective order issued  
15 pursuant to Section 136.2 or 646.91 of this code, or a protective  
16 order issued pursuant to Section 15657.03 of the Welfare and  
17 Institutions Code, is guilty of a public offense, which shall be  
18 punishable by imprisonment in a county jail not exceeding one  
19 year, by a fine not exceeding one thousand dollars (\$1,000), or by  
20 both that imprisonment and fine.

21 (c) If probation is granted upon conviction of a violation of this  
22 section, the court shall impose probation consistent with Section  
23 1203.097.

24 (d) The Judicial Council shall provide notice on all protective  
25 orders that the respondent is prohibited from owning, possessing,  
26 purchasing, receiving, or attempting to purchase or receive a  
27 firearm while the protective order is in effect. The order shall also  
28 state that a firearm owned or possessed by the person shall be  
29 relinquished to the local law enforcement agency for that  
30 jurisdiction, sold to a licensed firearms dealer, or transferred to a  
31 licensed firearms dealer pursuant to Section 29830 for the duration  
32 of the period that the protective order is in effect, and that proof  
33 of surrender or sale shall be filed within a specified time of receipt  
34 of the order. The order shall state the penalties for a violation of  
35 the prohibition. The order shall also state on its face the expiration  
36 date for relinquishment.

37 SEC. 4. Section 29830 is added to the Penal Code, to read:

38 29830. (a) Any person who is prohibited from owning or  
39 possessing a firearm pursuant to this article, or who is prohibited  
40 from owning or possessing a firearm pursuant to any other law,



1 may transfer or cause to be transferred, any firearm or firearms in  
2 his or her possession, or of which he or she is the owner, to a  
3 firearms dealer licensed pursuant to Section 26700 to 26915,  
4 inclusive, for storage during the duration of the prohibition, if the  
5 prohibition on owning or possessing the firearm will expire on a  
6 date specified in the court order.

7 (b) A firearms dealer who stores a firearm or firearms pursuant  
8 to subdivision (a), may charge the owner a fee for the storage of  
9 the firearm or firearms.

10 (c) A firearms dealer who stores a firearm or firearms pursuant  
11 to subdivision (a) shall notify the Department of Justice of the date  
12 that the firearms dealer has taken possession of the firearm or  
13 firearms and the date that the owner has taken back possession of  
14 the firearm or firearms.

15 SEC. 5. Section 29850 of the Penal Code is amended to read:

16 29850. (a) A violation of Section 29800, 29805, 29815, or  
17 29820 is justifiable where all of the following conditions are met:

18 (1) The person found the firearm or took the firearm from a  
19 person who was committing a crime against the person who found  
20 or took the firearm.

21 (2) The person possessed the firearm no longer than was  
22 necessary to deliver or transport the firearm to a law enforcement  
23 agency for that agency's disposition according to law or to a  
24 licensed firearms dealer for transfer or for storage pursuant to  
25 Section 29830.

26 (3) If the firearm was transported to a law enforcement agency  
27 or to a licensed firearms dealer, it was transported in accordance  
28 with subdivision (b) of Section 25570.

29 (4) If the firearm is being transported to a law enforcement  
30 agency or to a licensed firearms dealer, the person transporting  
31 the firearm has given prior notice to the law enforcement agency  
32 or to the licensed firearms dealer that the person is transporting  
33 the firearm to the law enforcement agency or the licensed firearms  
34 dealer for disposition according to law.

35 (b) Upon the trial for violating Section 29800, 29805, 29815,  
36 or 29820, the trier of fact shall determine whether the defendant  
37 was acting within the provisions of the exemption created by this  
38 section.

1 (c) The defendant has the burden of proving by a preponderance  
2 of the evidence that the defendant comes within the provisions of  
3 the exemption created by this section.

4 SEC. 6. Section 33870 of the Penal Code is amended to read:

5 33870. (a) If a law enforcement agency determines that the  
6 applicant is the legal owner of any firearm deposited with the  
7 agency, that the applicant is prohibited from possessing any  
8 firearm, and that the firearm is an otherwise legal firearm, the  
9 applicant shall be entitled to sell or transfer the firearm to a licensed  
10 firearms dealer. If a law enforcement agency determines that the  
11 applicant is prohibited from owning or possessing any firearm and  
12 the prohibition on owning or possessing the firearm will expire on  
13 a date specified in the court order, the applicant shall be entitled  
14 to have the firearm stored by a licensed firearms dealer for the  
15 duration of the prohibition period pursuant to Section 29830.

16 (b) If the firearm has been lost or stolen, the firearm shall be  
17 restored to the lawful owner pursuant to Section 11108.5 upon the  
18 owner's identification of the firearm, proof of ownership, and proof  
19 of eligibility to possess a firearm pursuant to Section 33865.

20 (c) This section does not prevent the local law enforcement  
21 agency from charging the rightful owner of the firearm the fees  
22 described in Section 33880.

23 SEC. 7. (a) *Section 1.3 of this bill incorporates amendments*  
24 *to Section 11106 of the Penal Code proposed by both this bill and*  
25 *Assembly Bill 500. It shall only become operative if (1) both bills*  
26 *are enacted and become effective on or before January 1, 2014,*  
27 *(2) each bill amends Section 11106 of the Penal Code, and (3)*  
28 *Senate Bill 53 is not enacted or as enacted does not amend Section*  
29 *11106, and (4) this bill is enacted after Assembly Bill 500, in which*  
30 *case Sections 1, 1.5, and 1.7 of this bill shall not become operative.*

31 (b) *Section 1.5 of this bill incorporates amendments to Section*  
32 *11106 of the Penal Code proposed by both this bill and Senate*  
33 *Bill 53. It shall only become operative if (1) both bills are enacted*  
34 *and become effective on or before January 1, 2014, (2) each bill*  
35 *amends Section 11106 of the Penal Code, (3) Assembly Bill 500*  
36 *is not enacted or as enacted does not amend Section 11106, and*  
37 *(4) this bill is enacted after Senate Bill 53 in which case Sections*  
38 *1, 1.3, and 1.7 of this bill shall not become operative.*

39 (c) *Section 1.7 of this bill incorporates amendments to Section*  
40 *11106 of the Penal Code proposed by this bill, Assembly Bill 500,*

1 *and Senate Bill 53. It shall only become operative if (1) all three*  
2 *bills are enacted and become effective on or before January 1,*  
3 *2014, (2) all three bills amend Section 11106 of the Penal Code,*  
4 *and (3) this bill is enacted after Assembly Bill 500 and Senate Bill*  
5 *53, in which case Sections 1, 1.3, and 1.5 of this bill shall not*  
6 *become operative.*

7 ~~SEC. 7.~~

8 SEC. 8. If the Commission on State Mandates determines that  
9 this act contains costs mandated by the state, reimbursement to  
10 local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.